



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

POLITICAL (LOKAYUKTA CELL) DEPARTMENT :: DISPUR :: GUWAHATI

## NOTIFICATION

The 26th February, 2024

**No. PLA(VI.)5/2014/386.-** In exercise of the powers conferred by section 21 of the Assam Lokayukta and Upa-Lokayuktas Act, 1985 (Assam Act No XX of 1906) the Governor of Assam is hereby pleased to make the following rules further to amend the said rules, hereinafter referred to as principal rules, in the manner hereinafter appearing, namely :-

- |                              |  |
|------------------------------|--|
| Short title and commencement | 1. (1) These rules may be called the Assam Lokayukta and Upa-Lokayukta (Amendment) Rules, 2024.<br>(2) They shall come into force on the date their publication in the Official Gazette.   |
| Amendment of rule 2          | 2. In the principal rule in rule 2, after clause (6), the following shall be inserted namely : ---<br>(7) "Appointing Authority" means the Lokayukta and in his absence the Senior most Upa-Lokayukta or the sole Upa-Lokayukta or as authorized by the Lokayukta;<br>(8) "Board" means a Board constituted under sub-rule (6) of rule 7;<br>(9) "Select list" means the list of selected candidates for direct recruitment under sub-rule (3) of rule 7 and for promotion in all cadres under sub rule (5) of rule 7;<br>(10) "Schedule" means schedule appended to this rules;<br>(11) "Year" means a calendar year i.e. from January to December. |

Insertion of new rule 7, 8 and 9

“Allowance and other terms and conditions of the employees and staff of the office of Lokayukta and Upa Lokayukta :-

3. In the principal rules, after rule 6, the following new rules shall be inserted, namely :-

7. The appointment, and other terms and conditions of the employees of the establishment of the Lokayukta and Upa Lokayukta shall be the following, namely :-

(1) Classes and cadres

The strength of each cadre of service to the employees of the establishment of the Lokayukta and Upa-Lokayukta shall be such as determined by Government from time to time and on the date of commencement of these rules the strength of cadres shall be as shown in **Schedule I** :

Provided that the Governor may hold in abeyance any post as and when considered necessary.

(2) Method of Recruitment

Recruitment to the posts, shall be made by the following methods, namely :-

- (i) Secretary-cum-Registrar: by deputation from Grade II officers of Assam Judicial Service;
- (ii) Principal Private Secretary : by promotion from the junior cadres of the establishment of the Lokayukta and Upa-Lokayukta or by direct recruitment in absence of available eligible candidate or by deputation from the cadres of other Government Service;
- (iii) Accountant cum Cashier, and Upper Division Assistant : By promotion;
- (iv) Stenographer Grade II, Driver, Peon, Mali, Sweeper : By Direct recruitment;
- (v) Lower Division Assistant : By promotion if, eligible candidate is available in the cadre of Typist or by direct recruitment;
- (vi) The post of Typist (only one post) by promotion if, eligible candidate is available in Grade IV or by direct recruitment.

(3) Procedure of Direct recruitment:

Direct recruitment to the cadres shall be made in accordance with the procedure hereinafter provided, namely :-

- (i) Before the end of each year the appointing Authority shall make an assessment of the likely number of vacancies, to be filled up by direct recruitment during the next year along with the details about reservation for candidates

belonging to Scheduled Castes, Scheduled Tribes or any other category as laid down by the Government.

- (ii) The Appointing Authority shall then invite applications through advertisement in accordance with general instructions in force, indicating the number of vacancies to be filled up.
- (iii) After receipt of applications, the Appointing Authority shall prepare a statement of candidates and forward the same to the Board together with details about the vacancies and reservations, as assessed as per sub-rule (i) above along with copies of the advertisement, the original applications and such other informations as may be considered necessary. The Appointing Authority shall, simultaneously, request the Board to conduct the selection process and to recommend select list of candidates for appointment.
- (iv) The Board shall then make the selection in accordance with the scheme of selection prescribed by the Government. The Board shall conduct such test or written examination following the procedure as enumerated in **Schedule II** and make the selection on the basis of their performance in the written examination and other qualifications and undertake scrutiny of certificates and documents and other documents as may be considered necessary and prepare a list of candidates.
- (v) The Board shall recommend the select list of the candidates to the Appointing Authority. It may approve the list, or if considers it necessary make any change or modification in the list, and shall inform the Board about the proposed change or modification (s) and after taking into account the comment or report if any, from the Board, it may approve the list with such modification if any, as may, in its opinion be just and proper in the public interest.
- (vi) The approved list may be called the select list. The number of candidate in the list shall be equal to the number of vacancies.
- (vii) Select list shall remain valid for 12 calendar months from the date of approval by the Appointing Authority, or till the date of next advertisement, whichever is earlier.

4. Qualification for Direct Recruitment :

(i) Age :

A candidate for direct recruitment to the post of,

Stenographer, Lower Division Assistant and Typist and in Grade IV shall not be less than 21 years and more than 39 years and to the post of Principal Private Secretary shall be not less than 25 years and more than 39 years on the first day of January of the year of recruitment with relaxation to special categories like Scheduled Castes, Scheduled Tribes (Plains) and Scheduled Tribes (Hills) and such other persons or class of persons as may be notified as such by the Government from time to time.

(ii) Academic Qualification :

The Academic qualification of a candidate for direct recruitment shall be as prescribed by the Appointing Authority from time to time. The qualifications and experience prescribed, as on the date of commencement of these rules are shown in **Schedule III**.

(iii) Physical fitness :

A candidate for direct recruitment shall be -

- a) of sound health, both mentally and physically and free from organic defect or by bodily infirmity likely to interfere with the efficient performance of his duties.
- b) required to undergo medical examination before appointment to the service.

(iv) Character:

A candidate for direct recruitment shall produce to the Appointing Authority, certificate of good character from :

- a) the principal or the head of the Institution, as the case may be, in which the candidate studied last, and
- b) two respectable persons, who are well acquainted with (but not related to) the candidate.

(v) Qualification for Promotion :

Subject to the suitability as may be decided by the Board as set forth in the sub-rule (6) of rule 7, and subject to possessing the qualifications and experiences as prescribed hereinafter, an employee or member of the service shall be eligible to the next post for promotion to the next higher grade,

- (a) the required qualifying service for promotion from one cadre to another shall be at least 5 years of continuous service in the cadre with good Annual Confidential Report and performance report (if any), during the last

five years of service. Any adverse entry in the Annual Confidential Report, during the last five years, preceding the date of consideration for promotion, shall be a disqualification for consideration for promotion.

- (b) promotion from the post of Typist to the Lower Division Assistant and from Grade IV to Typist the candidate shall be required to be a graduate in any discipline with knowledge in computer work and having continuous experience of 5 years of service.
- (c) promotion for the post of Accountant-cum-Cashier and Upper Division Assistant, from Lower Division Assistant the candidate shall be required to be a graduate in any discipline from any recognized University and shall have experience of 5 years of continuous service in the existing cadre.
- (d) Subject to suitability, the post of Principal Private Secretary, the post of Accountant-cum-Cashier, the post of Upper Division Assistant and Lower Division Assistant, Typist (only one post) shall be filled up on the basis of selection by promotion following the procedure under sub-rule (5).

(5) Procedure of promotion :

- (i) Before the end of each year, the Appointing Authority shall make an assessment of the likely number of vacancies to be filled up by promotion in the next year.
- (ii) The Appointing Authority shall then furnish to the Board the following documents and informations with regard to as many numbers of officers, in order of seniority, as three times of the number of vacancies, as assessed under sub-rule (i) above,
  - (a) information about the number of vacancies,
  - (b) list of candidates eligible for promotion in order of seniority,
  - (c) Performance Report, character rolls and personal files of the candidates listed,
  - (d) Details about reservation,
  - (e) Any other documents and information as may be considered necessary by the Appointing Authority or by the Board.
- (iii) The Appointing Authority shall, simultaneously, request the Board to recommend, within one month, a list of candidates found suitable for promotion.

- (iv) The selection shall be made on the basis of merit cum seniority.
  - (v) The Board, after examination of the documents and informations furnished by the Appointing Authority, shall recommend a select list of suitable candidates for promotion.
  - (vi) The Appointing Authority shall consider the select list, prepared by the Board, along with character roll and personal files of the employees and approve the list, unless it considers necessity for any change. The Appointing Authority, if it considers necessary to make any change in the list received from the Board, shall inform the Board of the proposed changes and after taking into account the comments (if any), of the Board, may approve the list finally with such modification as may, in its opinion, be found to be just and proper. The approved list shall be called the Select List.
  - (vii) Inclusion of a candidate's name in the select list shall confer no right to claim promotion, unless the Appointing Authority is satisfied, after such enquiry as may be considered necessary, that the candidate is suitable for promotion.
  - (viii) The select list shall remain valid for a period of 12 calendar months from the date of approval by the Appointing Authority.
  - (ix) The promotion shall be in accordance with the list finally approved by the Appointing Authority.
- (6) Selection Board :

The Board referred to in clause (8) of rule 2 shall consist of the following members namely: --

- |       |   |   |  |
|-------|---|---|--|
| (i)   | Lokayukta                                   | - | Chairman   |
| (ii)  | Upa—Lokayukta                               | - | Member (if there are more than one Upa-Lokayukta then the senior most Upa-Lokayukta) |
| (iii) | Secretary - cum- Registrar to the Lokayukta | - | Member Secretary   |
| (iv)  | Joint Secretary, Political Department       | - | Member   |

Provided that in the event of absence of the Lokayukta, the senior most Upa-lokayukta or the sole Upa-Lokayukta, as the case may be, shall be the Chairman and the 2<sup>nd</sup> senior most Upa-Lokayukta shall be the member. In the event of existence of the Lokayukta only or sole Upa-Lokayukta, then the Lokayukta or the sole Upa-Lokayukta, as the case may be, shall be the Chairman.

(7) Disqualification:

(i) No person shall be eligible for appointment to the service :-

(a) unless he is a Citizen of India.

(b) if he has more than one wife living or in case of a female candidate, who has married a person, who has one wife living, or if a married female candidate has more than one husband living:

Provided that Government may, if it is satisfied that there are grounds for doing so, exempt any person from the operation of this clause.

(c) if he or she has more than 2 (two) children; and

(d) if he or she violated the legal age of marriage.

(ii) No person, who attempts to enlist support for his candidature, directly or indirectly, by any recommendation, either written or oral or by any other means, shall be appointed to the services.

(8) Reservation :

In all cases of appointment by direct recruitment as well as by promotion, there shall be reservation in case of candidates belonging to the member of the Scheduled Castes, Scheduled Tribes, as per the Provision of the Assam Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services and Posts) Act, 1978 as amended and Rule framed thereunder. There shall also be reservation for candidates belonging to other Backward Classes as per Government Instructions contained in Office Memorandum No. TAD/OBC/1/2004/55 dated 31-05-2005 for direct recruitment only. Reservation in favour of women as per Assam Women (Reservation of Vacancies in Service and Post) Act, 2005 and its subsequent amendments and Person With Disabilities (Equal opportunities, Protection of Right and Full Participation) Act, 1995 shall also be followed in direct recruitment.

(9) (i) Joining time:

A candidate shall join within 15 days from the date of receipt of



the order of appointment or of promotion, failing which the appointment shall be cancelled unless the Appointing Authority extends the period, which shall not, in all, exceed three months.

(ii) Training :

A member of the service may be required to undergo such training and pass such departmental examination as may be decided by the Lokayukta or in the event of absence of the Lokayukta, the senior most Upa-Lokayukta or the sole Upa-Lokayukta, as the case may be.

(iii) Discharge or reversion :

A temporary or officiating member shall be liable to be discharged or reverted to the lower cadre of the service or to his original service, if-

- (a) he fails to make sufficient use of opportunities given during any training as may be prescribed by the Government from time to time or fails to render satisfactory service during his tenure of service in the cadre.
- (b) it is found, on a subsequent verification, that he was initially not qualified for the appointment or that he has furnished any incorrect/ wrong information with regard to his appointment.

(vi) Seniority :

- (a) Seniority of a member in a cadre appointed by direct recruitment or by promotion shall be determined according to the order of merit in the respective select list, finally approved by Appointing Authority, under clause (vi) of sub-rule (3) and clause (viii) of sub-rule (5), if he joins the post within 15 days from the date of receipt of the order of appointment or within the extended period as mentioned in clause (1) of sub-rule (9).
- (b) If a member fails to join the appointment within the initial 15 days of receipt of the order or within the extended period as mentioned in clause (i) of sub-rule (9), but joins later, his seniority shall be determined in accordance with the date of joining.

(vii) Probation and confirmation :

- (a) Subject to availability of permanent vacancy in the respective cadre, a member shall be placed on probation, according to seniority, against the permanent vacancy for a period of two years before he is confirmed, against a permanent vacancy;



Provided that the period of probation may, for good and sufficient reasons, be extended by the Appointing Authority for any specified period not exceeding a period of two years :

Provided further that the period of probation may, be curtailed or dispensed with, in any case, for good and sufficient reasons, by Appointing Authority.

(b) An employee of the establishment shall be placed on probation under sub-clause (a) above shall be confirmed against the permanent vacancy subject to the following conditions, namely:-

(i) he has completed the period of probation to the satisfaction of the Appointing Authority in accordance with sub-clause (a).

(ii) he has successfully undergone the training and passed the departmental examination, if any. prescribed in clause (ii) of sub-rule 9.

(c) if confirmation of a member is delayed, on account of his failure to qualify for such confirmation, he shall lose his position in order of seniority vis- a-vis such of his juniors as might be confirmed earlier than him. His seniority shall however, be restored on his confirmation subsequently.

(viii) Gradation list :

There shall be prepared and published every year a gradation list consisting of the names of all the cadre of the employees of the establishment in order of seniority and such other particulars as date of birth, date of appointment etc.

(10) Pay:

All appointments, in the service, shall be made in the time scale of pay as may be prescribed by the Government from time to time. The scale of pay of the posts in the cadres of the service, on the day of the commencement of these rules, are shown in the Schedule I.

(11) Mode of Employment :

Members of the service shall be employed in such manner as the Appointing Authority may decide.

## (12) Other conditions of service :

- (i) Except as provided in these rules, all matters relating to pay and allowances, leave, pension, discipline and other conditions of service shall be regulated by the general rules and or, orders of the Government, in force and issued from time to time.
- (ii) The conditions of service of the employees of the establishment, in respect of matters for which no provision has been made in these rules, shall be the same as are, applicable to other employees of corresponding grade having similar functions in the Government.

Relaxation      8.    The Lokayukta or in the event of absence of the Lokayukta, the senior most Upa-Lokayukta or the sole Upa-lokayukta, as the case may be, if satisfied, for reasons to be recorded in writing, if any of these rules is not implementable in a given case he may relax the requirement of that rule to such extent and subject to such conditions as he may consider necessary for dealing with the case in a just and equitable manner :

Provided that the case of any person shall not be dealt with in any manner less favorable to him than that provided in any of these rules.

Interpretation      9.    If any question arises relating to the interpretation of these rules, the decision of the Government shall be final.

**Schedule – I**

<b><u>Sl. No.</u></b>	<b><u>Name of Post</u></b>	<b><u>Pay Band</u></b>	<b><u>Grade Pay</u></b>	<b><u>Sanctioned No &amp; Date</u></b>	<b><u>No of Post</u></b>
1	Secretary-cum-Registrar	PB-4	Rs. 15100/-	No.PLA(VL)1/89,dtd.13.2.89	1 No.(on deputation)
2	Principal-Private-Secretary	PB-4	Rs. 15100/-	No.PLA(VL)1/89/pt-I/9 dtd.16.9.89	1 No.
3	Accountant-cum-Cashier	PB-3	Rs. 9100/-	No.PLA(VL)1/89/pt-I/12dtd. 18.11.89	1 No.
4	Upper Division-Assistant	PB-3	Rs. 9100/-	No.PLA(VL)1/89/pt-I/9 dtd.16.9.89	1 No.
5	Stenographer Grade II	PB-3	Rs. 9100/-	No.PLA(VL)5/92/6 dtd.15.5.1992	1 No.
6	Lower Division Assistant	PB-2	Rs. 7400/-	No.PLA(VL)1/89 dtd.17.12.89	3 Nos.
7	Typist	PB-2	Rs. 6200/-	No.PLA(VL)1/89 dtd.13.2.89	1 No.
8	Driver	PB-2	Rs. 5200/-	No.PLA(VL)1/89 dtd.13.2.8	2 Nos.
9	Pcon	PB-1	Rs. 3900/-	1. No.PLA(VL)1/89 dtd.13.2.89 2. No.PLA(VL)1/89 dtd.17.12.89	5 Nos.
10	Chowkider	PB-1	Rs. 3900/-	No.PLA(VL)1/89/pt-I/9 dtd.16.9.89	1 No.
11	Mali	PB-1	Rs. 3900/-	No.PLA(VL)1/89/pt-I/12 dtd.18.11.89	1 No.
12	Swceper	PB-1	Rs. 3900/-	No.PLA(VL)1/89/pt-I/9 Dtd.16.9.89	1 No.

**Schedule – II**

{ See rule 7 sub-rule (3) clause (iv) }

	<b><u>Method of selection:</u></b>	
I	Candidates shall have to appear in a written examination and Computer test/ other test as provided hereunder.	
II	<b><u>Method of selecting Principal-Private Secretary:-</u></b> Subject to fulfillment of the criteria provided in rule 7(4) and the Board constituted under provision of rule 7(6) shall select the Principal Private Secretary.	
III	<b><u>Method for selecting Stenographer Grade II:-</u></b> Examinations as per the eligibility qualifications provided in Rule 7(4) for the post	
		Stage 1:- Written examination shall consist of a single Paper of multiple choice, objective type questions as decided by the Board. Duration - three hours, Maximum marks – 100.  Stage-2,- Practical test (Computer typing and Short hand test) -100 marks.
IV	<b><u>Method for selecting Grade III-</u></b>	
	(a) For the Post of Lower Division Assistant and Typist-	
		Stage-1:- Written examination shall consist of a single Paper of multiple-choice objective type questions as decided by the Board. Duration - three hours Maximum marks- 175.  Stage-2- Computer test/ other test 25 marks
	(b) for the post of driver.	
		Examination as per the eligibility qualifications provided for the posts: Stage-1:- There shall be a single paper of maximum 100 marks with objective type questions as decided by the Board. Duration-Two and a half hours.  Stage 2:-

		Other test/skill test (for driver posts candidates) : 100 marks
V	<b><u>Method for selecting Grade IV posts:-</u></b>	
	Stage-1 -There shall be a single paper of 100 marks with objective type questions of Class ten level/ below Class ten level as decided by the Board.	
VI	Note: In the examination for the recruitment to the posts mentioned in Rule 7 there shall be a qualifying examination of 50 marks on the official language. The examination on the official language may be dispensed with by the Board in respect of selection of candidate for a particular category of Post subject to a decision taken by the Board to that effect.	
VII	(a)	On the basis of the marks obtained in the written examination a list of all candidates shall be prepared in order of merit.
	(b)	For non-technical posts of Lower Division Assistant, Typist and Grade IV Posts, minimum qualifying marks, of the marks obtained in the written examination, for General Candidates and Candidates belonging to the different reserved categories, shall be determined by the Board to short list candidates, from the above list, candidate shall be called for Computer test/ other test practical test in a ratio to be decided by the Board depending upon the number of vacancies.
	(c)	Similarly, for technical post of Grade II Stenographer and Driver requiring different specialized qualifications shall be prepared as per merit and reservations, with names of candidates having respective specialized qualification, in a ratio to be decided by the Board depending upon the number of vacancies.
VIII	The Board shall determine minimum qualifying marks for Computer test/other test/practical test.	
IX	Candidates securing less than the qualifying marks in the Computer test/ other test/ practical test shall not be eligible for selection.	
X	Appointment of the selected candidates shall be made, subject to suitable Police Verification Report.	

**Schedule - III**

{See rule 7 sub-rule (4) clause (ii)}

<b>Qualification for direct recruitment/minimum qualification</b>		
(a)	Secretary-cum-Registrar	He shall be a Grade- II Officer of Assam Judicial Services
(b)	Principal-Private-Secretary	He shall be a graduate of any discipline, from any recognized University, having a diploma in stenography and must be a Grade I stenographer with proficiency in computer works having ability to take minimum 120 words in short hand and type minimum 40 words per minute and five years experience as Grade I Stenographer in any Government or Semi Government Organisation/ institution or statutory bodies.
(c)	Stenographer Grade II	He shall be a graduate of any discipline from any recognized University, with a diploma in Stenography, having knowledge in computer works with ability to take minimum 100 words in shorthand and type minimum 35 words per minute. The Candidate must possess a Computer Certificate/Diploma of minimum 6(six) months duration from a recognized institute.
(d)	Lower Division Assistant	The candidate shall be a graduate of any discipline from any recognized University, having knowledge in computer typing. The Candidate must possess a Computer Certificate/Diploma of minimum 6(six) months duration from a recognised institute.
(e)	Typist	The Candidate shall be a graduate in any discipline from recognized University, having knowledge in computer typing with minimum speed of 35-40 words per minute. The Candidate must possess Computer Certificate/ Diploma of minimum 6(six) months duration from a recognised institute.
(f)	Driver	The Candidate must have a valid driving license, he must pass Class XII level or equivalent level and must qualify in driving test.
(g)	Grade-IV	The candidate shall pass class X or equivalent level. The maximum qualification to apply in Grade IV posts is Class XII or equivalent level passed.

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Home and Political Departments.